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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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7 CHRISTIANA TRUST, )  
8 Plaintiff, ) 2:15-cv-01534-RCJ-VCF  
9 vs. )  
10 K&P HOMES et al., ) ORDER AND JUDGMENT  
11 Defendants. )  
12

13 This case arises out of an HOA foreclosure of real property. The Court has ruled that due  
14 process prevented the sale from extinguishing the first deed of trust. *See Bourne Valley Court*  
15 *Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), *cert. denied* 137 S. Ct. 2296,  
16 2297 (2017). Plaintiff Christiana Trust has submitted a proposed judgment as instructed, but the  
17 Court rejects it because it suggests the Chapter 116 sale was altogether void. Plaintiff prayed for  
18 such a declaration only in the alternative to a declaration that the deed of trust survived the sale.  
19 (*See* Compl. 14, ECF No. 1). The only remaining claim concerning the general validity of the  
20 sale appears in Defendant K&P Homes' Third Party Complaint against the previous homeowner  
21 Rita Wiegand, who appears to have defaulted on that claim over two years ago.<sup>1</sup>  
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24 <sup>1</sup> Although Wiegand is also named as a Defendant in the Complaint, Plaintiff does not appear  
ever to have submitted a proposed summons to the Clerk.

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Judgment on the  
2 Complaint and Counterclaim is entered in favor of Christiana Trust and against K&P Homes, a  
3 Series LLC of DEK Holdings, LLC ("K&P Homes").

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Christiana Trust's  
5 Deed of Trust recorded on July 25, 2007 as Instrument No.20070725-0005226 of the official  
6 records of Clark County, Nevada was not extinguished by the May 31, 2013 foreclosure sale of  
7 the Property commonly known as 7461 Glimmering Sun Avenue, Las Vegas, Nevada 89178;  
8 APN 176-27-312-159 ("the Property") or the June 4, 2013 Foreclosure Deed (Instrument No.  
9 20130604-0000600), and the Deed of Trust still encumbers the Property. Christiana Trust shall  
10 have the right to foreclose or otherwise enforce the Deed of Trust with regard to the Property in  
11 accordance with law and contract.

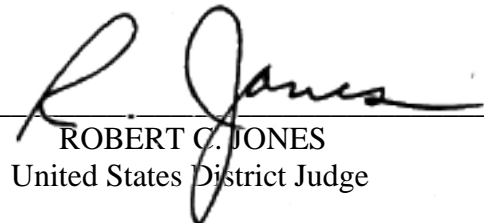
12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that K&P Homes shall  
13 recover nothing by way of its Counterclaim against Christiana Trust.

14 IT IS FURTHER ORDERED that the Clerk shall issue a Rule 4(m) notice as to  
15 Defendant Rita Wiegand with respect to the Complaint.

16 IT IS FURTHER ORDERED that within fourteen (14) days of the entry of this Order and  
17 Judgment, Defendant K&P Homes shall either ask the Clerk to enter default against Rita  
18 Wiegand on the Third Party Complaint or file a notice of dismissal under Rule 41.

19 IT IS SO ORDERED.

20 Dated February 14, 2018.

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23 ROBERT C. JONES  
United States District Judge